



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Agreement with the Department of Defense--
Model Provisions for CERCLA Federal Facility
Agreements

FROM: *J. Winston Porter*
J. Winston Porter
Assistant Administrator

TO: Regional Administrators
Regions I-X

I am pleased to transmit to you model language for key provisions of CERCLA Federal Facility Agreements with the Department of Defense (DOD), including its three service components (Army, Navy and Air Force). This language has been mutually agreed to by EPA and DOD. Similar language was agreed to by the Department of Energy on May 27, 1988.

The attached provisions deal primarily with policy issues which required agreement between EPA and DOD before site-specific agreements could be finalized. The attached language should be incorporated into the agreements you are now negotiating, and into future agreements, to insure national consistency in dealing with DOD facilities which involve CERCLA activities. Language in brackets indicates either those areas which can be adjusted depending on site-specific considerations or editorial comments for the benefit of site-specific negotiators.

Please note that there are many other important parts of the agreements which the Region must negotiate, notably those sections dealing with the actual work that needs to be performed at each specific DOD site and the schedules to be met. Attached, therefore, is a generic table of contents which lists other important sections which are normally included in the agreements, but which do not require model language. Also, as noted on page one of the model language, individual State concerns should be factored into each agreement, as it is highly desirable that States participate in Federal facility cleanups.

I hope these model provisions will help you in quickly concluding the negotiations you are currently conducting with DOD, and that such negotiations will now become more routine. If you have any questions about these provisions or their implementation, please contact Christopher Grundler, Director of the Federal Facilities Compliance Task Force, OWPE, at 475-9801. Task Force staff is available to support your negotiations, or to answer questions which may come up relating to the model provisions.

I look forward to working with you as we continue to work toward making Federal facility environmental compliance a model for others.

Attachment

cc: Lee Thomas, EPA
Jim Barnes, EPA
William H. Parker, III, DOD
Ernest Baynard, DOE
Roger Marzulla, DOJ
Tom Adams, OECM
Lawrence Jensen, OGC
Jennifer Joy Wilson, OEA
Waste Management Division Directors